

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

RUFUS D. MCFADDEN, II, #104303

PETITIONER

VS.

CIVIL ACTION NO. 3:11CV85TSL-MTP

WARDEN HUBERT DAVIS

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Michael T. Parker, and the court, having fully reviewed the report and recommendation entered in this cause on January 10, 2012, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Michael T. Parker entered on January 10, 2012, be, and the same is hereby adopted as the finding of this court, and the petition for writ of habeas corpus is hereby dismissed with prejudice.

It is further ordered that a certificate of appealability should not issue. Petitioner has failed to demonstrate that "jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 1st day of February, 2012.

/s/ Tom S. Lee_____
UNITED STATES DISTRICT JUDGE